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United States Attorney

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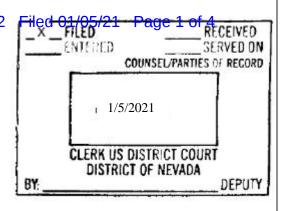
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## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALAN RAY,

Defendant.

Case No. 2:20-mj-1098-VCF

ORDER to Continue the Preliminary Hearing (First Request)

It is hereby stipulated and agreed, by and between Nicholas A. Trutanich, United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Kathryn Newman, Assistant Federal Public Defender, counsel for Defendant, that the preliminary hearing in the above-captioned matter, previously scheduled for January 5, 2021, at 4:00 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 14 days from the current setting.

1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that "[w]ith the defendant's consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits [for preliminary hearings] one or more times." Here, the parties desire to explore the

1	potential to resolve this matter before defendants are formally charged by a criminal		
2	indictment.		
3	2. In that regard, the government will be providing defense counsel with limite		
4	Rule 16 discovery in order to facilitate pre-indictment resolution. Defense counsel will nee		
5	additional time to review the discovery and discuss the case with her client prior to a		
6	preliminary hearing or indictment.		
7	3. This continuance is not sought for the purposes of delay, but to allow defens		
8	counsel an opportunity to examine the merits of this case before a potential resolution can		
9	be reached between the parties.		
10	4. Defendant is in custody and agrees to the continuance.		
11	5. Denial of this request could result in a miscarriage of justice, and the ends o		
12	justice served by granting this request outweigh the best interest of the public and the		
13	defendants in a speedy trial.		
14	6. The additional time requested by this stipulation is excludable in computing		
15	the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C		
16	§ 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).		
17	DATED this 4th day of January, 2021.		
18	NICHOLAS A. TRUTANICH		
19	United States Attorney		
20	<u>s/Jim W. Fang</u>		
21	Assistant United States Attorney Assistant Federal Public Defender  Counsel for the United States Counsel for Defendant		
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1 UNITED STATES DISTRICT COURT DISTRICT OF NEVADA 2 UNITED STATES OF AMERICA, 3 Plaintiff, 4 Case No. 2:20-mj-1098-VCF v. 5 ALAN RAY, FINDINGS AND ORDER 6 Defendant. 7 8 9 Based on the pending Stipulation between the defense and the government, and good 10 cause appearing therefore, the Court hereby finds that: 11 1. The parties desire to continue the preliminary hearing to facilitate pre-12 indictment resolution, and the government will be providing defense counsel with limited 13 Rule 16 discovery for that purpose. Defense counsel will need additional time to review the 14 discovery and discuss the case with her client prior to a preliminary hearing or indictment. 15 The Court finds good cause to continue the hearing to allow the parties to reach a pre-16 indictment resolution. 17 2. Both counsel for defendant and counsel for the government agree to the 18 continuance. 19 3. Defendant is in custody and agrees to the continuance. 20 4. The continuance is not sought for the purposes of delay, but to allow defense 21 counsel an opportunity to examine the merits of this case before a potential resolution can 22 be reached between the parties. 23 24

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	5.	Denial of this request could result in a miscarriage of justice, and the ends of
justic	e servec	by granting this request outweigh the best interest of the public and the
defen	dants ir	a speedy trial.

6. The additional time requested by this stipulation is excludable in computing the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the above-captioned matter, previously scheduled for January 5, 2021, at 4:00 p.m., be vacated and continued to January 26, 2021 at 4:00 PM in LV courtroom 3D before Magistrate Judge Cam Ferenbach.

DATED this \_\_\_\_ day of January, 2021.

HONORABLE CAM FERENBACH UNITED STATES MAGISTRATE JUDGE

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